



## COLORADO DEPARTMENT OF HEALTH CARE POLICY & FINANCING

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### HCBS Transition Plan Fact Sheet

#### OVERVIEW

On March 17<sup>th</sup>, 2014 the Centers for Medicare and Medicaid Services (CMS) enacted a Federal rule (CMS 2249-F and CMS 2296-F) to ensure individuals receiving Long Term Services and Supports through Home and Community-Based Service (HCBS) waiver programs have full access to the greater community and reside in home-like residences.

In order to satisfy the Federal rule requirement, states must submit a state transition plan to meet new Federal criteria for all relevant HCBS programs under 1915(c), 1915(k) and 1915(i). This plan will outline how the final rule will be implemented over the next five years.

#### BACKGROUND OF PLAN

The Colorado State Department of Health Care Policy and Financing (the Department) will be submitting their transition plan to CMS on September 30<sup>th</sup>, 2014.

The proposed transition plan outlines the Department's process and timelines for working with clients, stakeholders, providers, and other interested parties to implement these necessary changes.

#### CMS FINAL RULE SUMMARY

- The setting is integrated in and supports full access to the greater community;
- Is selected by the individual among setting options;
- Ensures individual rights of privacy, dignity, respect, and freedom from coercion and restraint;
- Optimizes autonomy and independence in making life choices; and
- Facilitates choice regarding services and who provides them.

The final rule requires that all home and community-based settings meet certain qualifications. These include:

- The individual has a lease or other legally enforceable agreement providing similar protections;
- The individual has privacy in their unit including lockable doors, choice of roommates, and freedom to furnish or decorate the unit;
- The individual controls his/her own schedule including access to food at any time;
- The setting is physically accessible.

#### GUIDELINES ON SUBMITTING COMMENT

- The Department will have a draft of the large statewide transition plan available for public comment from August 10<sup>th</sup> to September 10<sup>th</sup>. The plan will be posted on the Department's website here: <https://www.colorado.gov/pacific/hcpf/hcbs-waiver-transition>
- The Department will have a draft of the waiver amendments (including transition plans) for public comment from August 20<sup>th</sup> to September 19<sup>th</sup>. The plan will be posted on the Department's website here: <https://www.colorado.gov/pacific/hcpf/hcbs-waiver-transition#WaiverAmendments>

- Individuals may request draft transition plan materials via email at [HCBS\\_Rules\\_Submission@state.co.us](mailto:HCBS_Rules_Submission@state.co.us)
- Comments regarding the draft transition plan can be emailed directly to [HCBS\\_Rules\\_Submission@state.co.us](mailto:HCBS_Rules_Submission@state.co.us)
- Comments can also be addressed to the following:  
ATTN: HCBS Transition  
1570 Grant Street  
Denver, CO 80203
- All comments will be maintained and responses provided in a regularly updated listening log kept on the Department's website found at <https://www.colorado.gov/pacific/hcpf/hcbs-waiver-transition>

The Department commits to incorporating comments, concerns, and suggestions into the proposed transition plan when possible.